REMARKS

Claims 1, 14 and 19 have been amended. No new matter has been introduced by the amendments. Applicants reserve the right to pursue the original and other claims in this and in other applications.

Claims 1-4, 8, 10, 11, 14-17, 19-21, 23, 25, 27, 28, 30, 32 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Atkinson in view of Rosenburgh. The rejection is respectfully traversed.

Claim 1 has been amended to recite a pump system comprising "first and second pumps." Claim 1 also recites that the drive system drives the pump system in such a way that said suction cycle is shorter than the output cycle and "in such a way that the output cycles of the first and second pumps overlap."

Claim 14 has been amended to recite that the "drive system drives said pump system in such a way that, for each of said first and second pumps, the suction cycle of said first pump is shorter than the output cycle in the second pump and vice versa and in such a way that the output cycles of the first and second pumps overlap."

Claim 19 has been amended to recite that the "drive system drives said pump system in such a way that, for each of said at least three pumps, the suction cycle is shorter than the output cycle and in such a way that the suction and output cycles of said three pumps overlap one another."

Applicants respectfully submit that the subject matter of all of the independent claims (i.e., claims 1, 2, 14, 19, 27 and 34) is allowable over the cited combination for at least the following reasons. Atkinson discloses a surgical fluid pump system for transporting a sterile fluid from a source to a surgical instrument. Atkinson further discloses a drive system, a pump system, an inlet and an outlet. Atkinson, however, does not teach or suggest a pump system comprising first and second pumps or three pumps. Atkinson also does not teach or suggest a drive system that drives said pump system in such a way that a suction cycle is shorter than an output cycle .

Moreover, Atkinson fails to teach or suggest that output cycles of the first and second pumps overlap.

The Office Action, however, relies on Rosenburgh as teaching a drive system that drives a pump system in such a way that said suction cycle is shorter than the output cycle and that the output cycles of the first and second pumps overlap. Applicants respectfully disagree with this argument. Rosenburgh discloses a photographic processing apparatus. One skilled in the art working in the field of surgical instruments would under no circumstances search for a pump that provides a smooth and non-pulsing delivery of a sterile fluid to a surgical instrument in a document dealing with photographic processing. Thus, no one skilled in the art would combine Atkinson with Rosenburgh. This is at least one why reason why the claims are allowable.

Additionally, Rosenburgh does not explicitly teach or suggest that the output cycles of first and second pumps overlap. The Office Action states that it is apparent from Fig. 2 that the suction and output cycles overlap based on the different positions of each pump. However, nowhere in Rosenburgh is it explicitly disclosed that the output cycles overlap. When considering Rosenburgh's Fig. 2, without the knowledge of the claimed invention, one skilled in the art would not able to realize that the output cycles overlap. The argument in the Office Action is based on impermissible hindsight reconstruction based on Applicants' claims. This is another reason why the claims are allowable.

Moreover, a combination of overlapping outputs and a suction cycle, which is shorter than the output cycle, is not explicitly disclosed, taught or suggested by Rosenburgh. This is a key feature missing from the cited combination. As such, claims 1, 2, 19, 27 and 34, and their respective dependent claims, are allowable over the cited combination.

Applicants also submit that Rosenburgh does not teach or suggest a drive system that drives a pump system in such a way that, for each of said first and second pumps, the suction cycle of said first pump is shorter than the output cycle in the second pump and vice versa. Furthermore, Applicants submit that Rosenburgh does not teach or suggest that the output cycles of these first and

second pumps overlap. Instead, Rosenburgh merely teaches maximizing the time for emptying the bellows and minimizing the time for filling the bellows. The claimed relationship between the suction and output cycles of neighboring pumps is not taught or suggested by Rosenburgh.

Accordingly, the subject matter of claim 14 (and its dependent claims) is allowable over the cited combination. The rejection should be withdrawn and the claims allowed.

In view of the above, Applicants believe that the pending application is in condition for allowance.

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Respectfully submitted,

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